

Remarks

The present amendment is provided in response to the Office action dated September 20, 2006, in which claims 35-47 were rejected. In the present amendment, claims 35, 42, and 47 have been amended. Claim 36 has been canceled. New claim 48 has been added. Accordingly, claims 35 and 37 – 47 are pending in the present application, with claims 35, 42, and 47 being independent claims. Reconsideration and allowance of pending claims 35 and 37– 47 and new claim 48 in view of the amendments and the following remarks are respectfully requested.

Objection to Specification

In Section 6 of the Office Action, the disclosure is objected to for containing embedded hyperlinks and/or other forms of browser-executed code. These URLs (rather than the contents of the site to which they are directed) are part of Applicant's disclosure. Applicant does not intend for any hyperlinks cited in the disclosure to be active links. Accordingly, Applicant respectfully requests that the objection to the specification be withdrawn in view of MPEP § 608.01, Section VII, which states:

Where the hyperlinks and/or other forms of browser-executable codes themselves rather than the contents of the site to which the hyperlinks are directed are part of applicant's invention and it is necessary to have them included in the patent application in order to comply with the requirements of 35 U.S.C. 112, first paragraph, and applicant does not intend to have these hyperlinks be active links, examiners should not object to these hyperlinks. The Office will disable these hyperlinks when preparing the text to be loaded onto the USPTO web database.

35 U.S.C. §101

Claims 35-39, 41-44, 46 and 47 stand rejected under section 101 because the Examiner argues that the claimed invention is directed to non-statutory subject matter. Applicant has added the tangible result of “building a list document” to independent claims 35, 42, and 47. Independent claims 35, 42, and 47 are currently directed to statutory subject matter, therefore the rejection under 35 USC section 101 with regard to claims 35-39, 41-44, 46 and 47 should be withdrawn.

35 U.S.C. §102(e)

Claims 35-47 stand rejected under section 102(e) as being anticipated by U.S. Patent No. 7,039,860 ("Gautestad"). Claim 36 has been canceled. Applicant submits that the pending claims 35 and 37-47 are presently in condition for allowance as each and every element of the pending claims are not disclosed by Gautestad.

In the Office Action, the Examiner contends that Gautestad's method for creating web page category lists anticipates Applicant's method for the automatic linking of documents. This argument is hereby respectfully traversed and it is submitted that the invention is fully distinguished from Gautestad, as explained in more detail below.

Embodiments of the present invention provide for building a list document, including:

providing a list document, wherein the list document includes a specification comprising one or more identifying features of a linked document; searching a group of linked documents to identify one or more linked documents that match one or more of the one or more identifying features in the specification; generating a link for each of the one or more identified matching linked documents; adding each link for the one or more identified matching linked documents to the list document, wherein the added links include a first and a second URL, the first URL being different than a URL for the list document, the second URL being the same as the URL for the list document; and updating the generated links of the list document when a matching linked document is added or changed.
(See, claim 35 of the present claims).

Applicant asserts that Gautestad does not teach or suggest all the limitations of claim 35, 42 or 47. The Office Action states that:

Gautestad discloses providing a list document that includes a specification of a feature of a linked document, searching a group of linked documents that match the specification, generating a link for the matched document, adding the link to the list, and updating the links of the list document. (See, Paragraph 12 of the Office Action).

The Examiner cites column 2, lines 18-25 of Gautestad as well as FIGs. 3 and 4a. These portions of Gautestad, however, do not teach the claimed elements for which they are cited. Namely, Gautestad does not teach, suggest, or describe adding links to a list document wherein the added links include a first and a second URL, the first URL being different than a URL for the list document, the second URL being the same as the URL for the list document.

In contrast, the present claims allow the list document to contain both links to another web page (URL) and also links to specific areas within the list document. See for example, Figure 10 of the present application. In particular, links 1004, 1006, and 1008 reference certain areas within the

same list document, namely 1010, 1012, and 1014. The areas 1010, 1012, and 1014 are all within the same document, so they will have the same URL. As such, the present application allows links in the list document to reference separate web pages that have a different URL than the list document (e.g., links at different levels of a hierarchy) and also separate areas of the same document at the same URL (See Fig. 10).

Gautestad, on the other hand, only teaches, suggests, or describes links to separate locations. Even if the locations are URLs, they are separate URLs only. For example, in Fig. 9 of Gautestad, it is shown how a system can be achieved that “mimics a database system”. (See Col. 8, Line 16). Fig. 3 of Gautestad is one example of the mimicked database system. The list file has hyperlinks to detailed description files. (Column 8, Lines 53-56). As one can see from Fig. 3, the database query A (202) points to a record 204 which is in a separate location. Even if these locations were on the same server, they are separate documents each with their own URL (if they are posted on the Internet).

Secondly, Gautestad does not teach updating the generated links of the list document when a matching linked document is added or changed, as is presently claimed. One embodiment of the claimed invention is directed toward generating a new document and maintaining the content of the new document that includes a list of linked documents, e.g., an index. For example, the claimed invention can maintain a set of links to all of the files in a particular directory. As the files in the directory change, the claimed invention updates the list of linked document to reflect those changes – such that, for example, newly added documents in the directory appear in the content of the new document and automatically provide a link to the newly added document.

Gautestad teaches that a “search engine then returns an HTML-formatted screen image of a list of ‘hits’ to the user who has submitted a query.” (See, Col. 2, Lines 18-25). As such, Gautestad does not update the list document automatically when the links change. Instead, if the link documents in Gautestad change, it would require a separate query from the user and the presentation of the results to generate a change. For example, if the user made a search engine query for “dogs” a first set of results might be presented where the different web pages that matched dogs were found. If a new page on dogs was added, there would be no update until the user at some time in the future made another query for dogs. As such, Gautestad does not teach, suggest, or describe updating the

generated links of the list document when a matching linked document is added or changed. In fact, Gautestad updates only on the next query, not when the linked documents are changed.

Based on the foregoing discussion, Applicant asserts that claims 35, 42, and 47 are presently allowable over Gautestad. Since claims 37 – 41 and 43-46 depend from claim 35 and 42, these claims are therefore also allowable over Gautestad. Accordingly, it is submitted that claims 35 and 37 – 47 are presently in condition for allowance in view of the amendments to the claims and the present remarks and withdrawal of the rejection and a notice of allowance is respectfully requested.

New Claim 48

New claim 48 includes the limitations of canceled claim 36. Applicant submits that the pending new claim 48 is presently in condition for allowance as each and every element of the pending claims are not disclosed by Gautestad. In the Office Action, the Examiner contended with regard to canceled claim 36 that Gautestad disclosed using a location in a file structure as an identifying feature of a linked document. The Examiner stated that Gautestad recites:

An ini-file is a text file containing various parameters for the system setup such as, for example, field captions, location of various file types, etc. In NetSpinner, one can allow for other program settings that can be easily modified if the settings were read from various text files, such as ini-files. Such files instructing NetSpinner to update the local website copy only deactivates the “Update Internet” FTP or HTTP function. (See, Paragraph 13 of the Office Action).

This argument is hereby respectfully traversed and it is submitted that the invention is fully distinguished from Gautestad, as explained in more detail below. The subject matter of new claim 48 is that the list document “includes a specification including a location within a file organizational structure of a linked document”. Therefore, as is presently claimed, the file's location is an identifying feature of the linked document (i.e., the present invention selects files for inclusion on the basis of their path). An ini-file may be a specific type of file but it can be located anywhere within a file system's “organizational structure”.

As such, no information about the organizational structure, the path, or the location of the ini-file is conveyed by the ini-file itself. Therefore, column 15, lines 55-65 of Gautestad does not teach, suggest, or describe a location within a file organizational structure of a linked document. Based on the foregoing discussion, Applicant asserts that new claim 48 is presently allowable over Gautestad. Accordingly, a notice of allowance is respectfully requested.

Conclusion

If the Examiner has any questions or comments regarding the above Amendments and Remarks or believes that a telephone conversation may be useful in advancing prosecution, the Examiner is invited to contact the undersigned at the number listed below.

Respectfully submitted,
Procopio, Cory, Hargreaves & Savitch LLP

Dated: November 20, 2006

By: /Patric J. Rawlins/

Procopio, Cory, Hargreaves & Savitch LLP
530 B Street, Suite 2100
San Diego, California 92101-4469
(619) 238-1900